

**Retroactive 2014 Drug Guidelines Amendment Worksheet**

Defendant: Mark Edward Erhardt

Dkt. No: EP-12-CR-2607KC(1)

Offense: Cts. 1 & 2: Receipt/Distribution of Material Involving the Sexual Exploitation of Minors; 18 U.S.C. § 2252(a)(2) and (b)(1); 5 to 20 Years Custody; Class C Felony; Cts 3 & 4: Possession of Material Involving the Sexual Exploitation of Minors; 18 U.S.C. § 2252(a)(4)(B); 10 Years Custody; Class C Felony; Ct. 5: Aiding and Abetting the Manufacture of a Controlled Substance Near a School; 21 U.S.C. § 841(a)(1), 860 and 18 U.S.C. § 2; 1 to 40 Years Custody; Class B Felony; and Ct. 6: Maintaining a Drug Manufacturing Premises; 21 U.S.C. § 856(a)(2); 20 Years Custody; Class C Felony

**Original Guideline and Sentence**

Sentenced: July 10, 2013

Total Offense Level: 38

Criminal History: I

Imprisonment Range: 235 to 240 months as to Cts. 1, 2, 5, and 6  
120 months as to Cts. 3 and 4

Sentence: 120 months as to all counts to run concurrent

Safety Valve, 5K1 Departure or Binding Sentence: Variance due to nature and circumstances of the offense and the history and characteristic of the defendant pursuant to 1 U.S.C. § 3553(a)(1) and to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense 1 U.S.C. § 3553(a)(2)(A)

**Revised Guideline Imprisonment Range**

Total Offense Level: 38

Criminal History: I

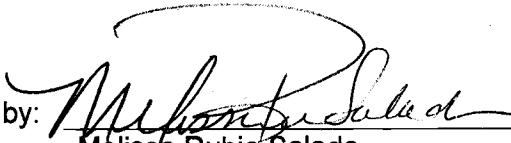
Amended Imprisonment Range: 235 to 240 months as to Cts. 1, 2, 5, and 6  
120 months as to Cts. 3 and 4

Amended Sentence: 120 months as to all counts to run concurrent. It should be noted, Cts. 1 and 2 are grouped (count group 1), Cts. 3 and 4 are grouped (count group 2), and Cts. 5 and 6 are unrelated and treated separately. In accordance with USSG § 3D1.3(a), the highest offense level to the count(s) in a group shall be used to determine the offense level applicable to the group. As such, the total offense level applicable to Cts. 1 and 2 (count group 1) was used as the offense level in this case. Moreover, a multiple count adjustment was utilized in this case wherein 2 units for Cts. 1 & 2 (count group 1) and Cts. 3 & 4 (count group 2)


were added to the highest offense level, pursuant to USSG 3D1.4. As such, the guideline range based on a total offense level of 38 and a criminal history category of I, the guideline imprisonment range is 235 to 293 months. USSG Chapter Five, Part A. However, as to Counts 1, 2, and 6, the imprisonment range is 235 to 240 months. Therefore, pursuant to USSG § 5G1.1(a) the guideline range becomes 235 to 240 months. As such, the applicable guideline range remains unchanged.

BOP Disciplinary Action: Being unsanitary or untidy and Interfeing with taking count

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